

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

KENDRICK DARNELL JONES, )  
                                )  
Plaintiff,                 )  
                                )  
v.                             )                      **Case No. CIV-14-510-W**  
                                )  
LAWTON CORRECTIONAL     )  
FACILITY et al.,            )  
                                )  
Defendants.                 )

**REPORT AND RECOMMENDATION**

Plaintiff Kendrick Darnell Jones, a state prisoner appearing pro se, brings this action under 42 U.S.C. § 1983. This matter has been referred to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. § 636. The matter is now before the Court on Plaintiff's failure to pay an initial partial filing fee.

On June 3, 2014, Mr. Jones was ordered to either pay the applicable \$400 filing fee or file a motion for leave to proceed *in forma pauperis*. Order, Doc. No. 4. To date, Mr. Jones has done neither; nor has he shown good cause for the failure to take action. Accordingly, the undersigned recommends that Mr. Jones' Complaint (Doc. No. 1) be DISMISSED without prejudice to refiling. *See* LCvR 3.2, 3.3; Order, Doc. No. 4, at 2 (advising Plaintiff that failure to pay could result in dismissal).

**NOTICE OF RIGHT TO OBJECT**

Plaintiff is advised of the right to file an objection to this Report and Recommendation with the Clerk of this Court by August 5, 2014, in accordance with 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72. Plaintiff is further advised that

failure to timely object to this Report and Recommendation waives the right to appellate review of both factual and legal issues contained herein. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This Report and Recommendation terminates the referral in the present case.

ENTERED this 15th day of July, 2014.



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CHARLES B. GOODWIN  
UNITED STATES MAGISTRATE JUDGE